

**REMARKS**

Claims 1-14 are pending in the application. By this Amendment, Applicant has canceled claims 9 and 11 without prejudice; and amended claims 1-6, 10, and 12. Claims 7, 8, 13, and 14 remain in the application without amendment.

Claims 1, 2, 5-7, and 10-13 stand rejected under 35 USC 102(e) as being anticipated by Kim. Claims 3, 4, 8, 9, and 14 stand rejected under 35 USC 103(a) as being unpatentable over Kim.

Applicant respectfully submits that the amendment of independent claim 1 to include the limitations of dependent claim 9 and subject matter found allowable in claim 13 of the parent application (Serial No. 08/986,488) overcomes the rejections with respect to claims 1-8.

Accordingly, the rejection of claims 1-8 under 35 USC 102(e) and 103(a) should be withdrawn in the next Office action.

Applicant respectfully submits that the amendment of independent claim 10 to include the limitations of dependent claim 11 and subject matter found in allowable claim 21 of the parent application overcomes the rejections with respect to claims 10 and 12-14.

Accordingly, the rejection of claims 10 and 12-14 under 35 USC 102(e) and 103(a) should be withdrawn in the next Office action.

Claims 1-8, 10, and 11-14 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of U.S. Patent No. 6,198,929.

Applicant respectfully submits that the amendment of claims 1 and 10 overcomes this rejection. Accordingly, the rejection of claims 1-8, 10, and 11-14 under

the judicially created doctrine of double patenting should be withdrawn in the next Office action.


Per the request of the Examiner, a legible copy of the reference filed with the Information Disclosure Statement on July 10, 2001, is enclosed.

### REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 10/08/2002

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## APPENDIX A

1. (Twice Amended) A telecommunications messaging system, comprising:  
a wireless subscriber unit;  
a base station in [a first] communication with said wireless subscriber unit; [and]  
a mobile switching center for causing said base station to engage in service negotiation with said wireless subscriber unit, said service negotiation for determining a service configuration for [a second] communication between said base station and said wireless subscriber unit; and

a target base station in communication with said subscriber unit comprising:  
a BS message processor for analyzing received messages and for  
determining messages to be generated and transmitted in association with said service  
negotiation;

a BS message generator for generating messages under direction from  
said message processor; and

a BS transceiver for transmitting and receiving messages associated with  
said service negotiation.

2. (Once Amended) The system of claim 1 wherein said mobile switching center comprises:

an MSC message processor for analyzing received messages and for determining messages to be generated and transmitted in association with said service negotiation;

an MSC message generator for generating messages under direction from said MSC message processor, including a first message for causing said base station to engage in said service negotiation with said wireless subscriber unit; and

an MSC transceiver for transmitting and receiving messages associated with said service negotiation including transmitting said first message to said base station.

3. (Once Amended) The system of claim [2] 1 wherein said base station comprises:

a BS message processor for analyzing received messages and for determining messages to be generated and transmitted in association with said service negotiation;

a BS message generator for generating messages under direction from said BS message processor; and

a BS transceiver for transmitting and receiving messages associated with said service negotiation.

4. (Once Amended) The system of claim [3] 1 wherein said wireless subscriber unit comprises:

a SU message processor for analyzing received messages and for determining messages to be generated and transmitted in association with said service negotiation;

a SU message generator for generating messages under direction from said SU message processor; and

a SU transceiver for transmitting and receiving messages associated with said service negotiation.

5. (Once Amended) The system of claim [4] 2 wherein said first message is a Change Service Command message.

6. (Once Amended) The system of claim [4] 2 wherein said MSC message generator generates said first message in response to said mobile switching center determining that a new call is arriving for said wireless subscriber unit when said wireless subscriber unit is already in an existing call.

10. (Once Amended) In a wireless communication system, a method for establishing a new call when an existing call is in progress, comprising the steps of:

delivering a first message from a mobile switching center to a base station for initiating service negotiation, wherein said step of delivering delivers a Change Service Command message as said first message;

negotiating a new service configuration by said base station and a subscriber unit, said new service configuration providing for connection of both said new call and said existing call, wherein said step of negotiating comprises the steps of:

sending a Service Request Message in response to receipt of said Change Service Command message by said base station to said subscriber unit, said Service Request Message proposing a service configuration based on said proposed service configuration;

forwarding a Service Response Message in response to receipt of said Service Request Message by said subscriber unit to said base station, said Service Response Message accepting or modifying said service configuration in said Service Request Message;

repeating said step of sending and said step of forwarding until said subscriber unit and said base station are in concurrence with a negotiated service configuration;

directing a Change Service Request message from said base station to said mobile switching center, said Change Service Request message containing said negotiated service configuration;

repeating the above steps of sending, forwarding, repeating, and directing if a Change Service Response message is transmitted by said mobile switching center to said base station, said Change Service Response message indicating that said negotiated service configuration is not acceptable;

establishing said negotiated service configuration as said new service configuration if a Change Service Confirm message is transmitted by said mobile switching center to said base station; and

connecting said new call and said existing call using said new service configuration.

12. (Once Amended) The method of claim [11] 10 wherein said Change Service Command message contains a proposed service configuration which would provide for the connection of both said new call and said existing call.

STAMP HEREON ACKNOWLEDGES RECEIPT OF THE FOLLOWING  
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ENCLOSED ARE:  
AMENDMENT TRANSMITTAL LETTER IN DUPLICATE;  
AMENDMENT AF WITH 2 MONTH PET. F. EXTENSION  
OF TIME ; 1 REFERENCE; and POSTCARD.

APPLICANT: KRISHNAMURTHI  
ASSIGNEE: QUALCOMM Incorporated  
APPLICATION NO.: 09/746,232  
FILED: 12/21/2000  
FOR: SYSTEM AND METHOD FOR MOBILE SWITCHING CENTER  
INITIATED SERVICE NEGOTIATION

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